

REMARKS

The Examiner rejected claims 1-8 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-11 of prior US patent 5,371,178. The Applicant believes the Examiner intended to refer to US patent 6,371,178 as referenced on Page 3 of the Office Action. The Applicant respectfully traverses the rejection. The claims pending in the present application are for a monitoring device. The claims in 6,371,178 are for a pneumatic tire. The currently-pending claims do not recite pneumatic tire elements. The claims are thus for different inventions. The Applicant respectfully requests the Examiner to withdraw the double-patenting rejection.

The Examiner rejected claims 9-18 under the judicially created doctrine of obviousness-type double patenting and being unpatentable over claims 1-36 of US patent 6,371,178. In response to this rejection, the Applicant is submitting a terminal disclaimer that obviates the rejection. The terminal disclaimer properly indicates that both the present application and US patent 6,371,178 are commonly owned by Bridgestone/Firestone North American Tire, LLC. The terminal disclaimer fee is also enclosed with this response.

The Examiner rejected claims 9, 10, 14, and 15 as being anticipated by US 6,255,940 to Phelan. The Examiner contends that the Phelan battery (51) is electrically coupled to the monitoring package to provide power as described at Column 6, lines 1-10. The Applicant respectfully traverses the rejection. Column 6, lines 4-5 specifically disclose that the battery (51) is conventionally electronically connected to the micro-controller (42) for energization thereof. Further, Fig. 2 shows conventional wires connecting battery 51 to temperature sensing structure 46. The electrical diagram of Fig. 3 also shows a hardwire connection between battery 51 and the micro-controller (42). Pending independent claim 9 specifically requires the power source to be electrically coupled to the monitoring package to provide power to the monitoring package. The claimed electrical coupling is described in the invention as a non-direct connection such as that provided by field coupling between aligned and spaced

elements (Page 8, last paragraph through Page 9, first continuing paragraph). The Phelan reference fails to disclose, teach, or suggest an electrical coupling arrangement between the power source and the monitoring package. The Applicant thus respectfully requests the rejection to be withdrawn.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims. Please call the undersigned attorney if any questions remain after this amendment.

Respectfully submitted at Canton, Ohio this 8th day of June, 2004.

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence (Amendment A in application serial no. 10/055,324 filed 1/22/2002) is being filed by facsimile to:
Commissioner for Patents
Alexandria, VA 22313-1450
Examiner Andre J. Allen at facsimile number 703-872-9306 on this 8th day of June, 2004.


Karina A. Butler